

Burlington Conservation Board

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Conservation Board Meeting Minutes

Monday, June 6, 2011 – 5:30 pm

Planning & Zoning Conference Room – City Hall Lower Level
149 Church Street

Attendance.

- **Board Members:** Miles Waite (MW), Jeff Severson (JS), Damon Lane (DL), Don Meals (DM), Matt Moore (MM), Warren Cornwall (WC), Will Flender (WF)
- **Absent:** Scott Mapes (SM)
- **Public:** Sam Gardner, Stu McGowan (142-144 North Champlain Street), Jon Anderson (451 Ethan Allen Parkway), Mark Krawczyk (Burlington Permaculture), Harris Roen (Planning Commission)
- **Staff:** Scott Gustin (Planning & Zoning)

MM, Chair, called the meeting to order at 5:35 p.m.

Minutes.

Minutes of May 2, 2011

MW noted on pg. 1, 1st paragraph, last sentence “hosing” should be “housing.”

JS noted on pg. 2, 1st paragraph, 4th sentence delete “is” and replace with “was.” Same paragraph, next sentence, insert “are 10 years old and” after “maps,” and delete “but refrain from trying to do an inventory.”

SM (via email) noted on pg. 3, insert “DPW is not getting the message out that folks need to deal with impacts resulting from earth disturbances.” “DPW should be able to handle stormwater and erosion control the same way they deal with snow storms. There also needs to be a better system for finding the problems and determining who should be addressing them.” “Last year’s FWW paving contract is very good in that it requires review and approval of EPSC plans by DPW. The question is will DPW follow through with their obligations to ensure compliance? DPW is not holding the bar to lead by example.”

A MOTION was made by DM and SECONDED by MW:

Approve the minutes of May 2, 2011 as corrected.

Vote: 6-0-1

Board Comment.

MW updated the Board on the downtown waterfront plan. He displayed a map of the study area. It does reach past the railroad yard to the barge canal. The plan may lead to the adoption of a form based code for this area.

MM said that the North 40 should be included as part of the study and possibly all the way to North Beach. Harris Roen said that the study area has been defined already.

Mr. Roen said that there will be public comment forums in September.

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SG mentioned the public comment notice for the bacteria TMDL. Comments are due by June 24. DM said the notice had no substance. MW said that the draft TMDL is on the Vermont DEC website. DM said that waters are impaired by bacteria, but without a lot of work, you don't know where the bacteria are coming from.

SG noted the status of LID incentives. The Planning Commission recommended that the City Council establish a committee to analyze barriers to LID implementation in Burlington and to come up with financial, regulatory, and/or other incentives to implementation. The committee would consist of city staff, board members, and representatives of the development community. The Council will tentatively consider the measure on June 20.

WC mentioned the would-be stormwater management letter to DPW. MM said we could deal with this at the end of the meeting.

Public Comment.

Harris Roen, Planning Commissioner, mentioned permitting requirements for heating and ventilation. It requires a zoning permit because it involves exterior alteration. The city should encourage upgrading boilers. Requiring zoning permits is a disincentive. The Planning Commission is beginning discussions of how to deal with this item at its next meeting. WF suggested checking with Code Enforcement to see if they are checking on this sort of thing. MM said that it is not being checked on. Stu McGowan said that good contractors will tell their customers about the fees and requirements. We should provide incentives for this.

A MOTION was made by DL and SECONDED by DM:

The Conservation Board is in favor of exempting these vents from zoning permit requirements and that it appears that the building permit process adequately addresses the matter.

Vote: 7-0-0

Project Review.

1. 11-0808CA/MA; 142-144 North Champlain St (NMU, Ward 2) Stu McGowan

Major impact review of 6-unit residential building and associate site improvements (*continued review*)

Stu McGowan and Sam Gardner appeared on behalf of this item.

Stu McGowan recapped the project and noted that he will install a strip of pervious pavement in the parking area. He will also add a small green area next to the sidewalk. It will be a rain garden with ornamental grasses. The site is on sandy soils that can be utilized for a natural drainage system.

JS, how did you size the pervious strip? Mr. McGowan, it was based on anticipated water volumes.

WC, has Megan Moir reviewed this? SG, yes, but she has not yet approved it. Conceptually, the infiltration is fine.

DM, the design should be based on a particular storm event. Mr. McGowan, the design was based on average storm events. MW, it would be based on either the 1-year or 10-year storm event, probably the 1-year storm event.

DM, does anything that overflows the rain garden go to the pervious pavement? Mr. McGowan, yes.

MW, when designing the system you need to consider whether it can handle a given volume of water in a given period of time. To the extent that you are achieving disconnect, this is an improvement.

WC, where would runoff go in the event that infiltrative capacity is exceeded? Sam Gardner, it would runoff into the street and into the city system.

WF, any trees onsite? There may be potential for clogging the pervious pavement. Mr. McGowan, no.

DM, there remain questions as to the design capacity of the system. An engineer should be involved to run the numbers. Megan Moir will need these numbers.

A MOTION was made by MW and SECONDED by DM:

Accept conceptual design subject to design capacity analysis and proper sizing and Megan Moir's review and approval.

WC, this proposal seems a lot sketchier than what we've seen on other projects. MM said that this is a minor PUD and is of a different scale than the much larger PUDs and Major Impact projects that the Board typically sees.

Vote: 7-0-0

1. 08-137PD; 451 Ethan Allen Parkway (RL, Ward 6) Ellis & Alles

Remand of Superior Court Environmental Division appeal for preliminary plat review of 9-unit planned residential development with 3 detached structures and associated driveway and parking (*continued review*)

Jon Anderson appeared on behalf of this item.

SG recapped the project history (the latest chapter thereof). We have encouraged the applicants to move the development up close to Ethan Allen Parkway. The plans have been revised accordingly and now show everything closer to the road.

DM's recollection is that what has been presented tonight differs from what had been shown to the Conservation Board most recently. There were fewer units with less wetland impacts. There was also less fill than depicted tonight.

MM said that the Board was looking for something with development concentrated by the road. What's presented tonight includes a rear building and parking area.

Jon Anderson said that the present design has far less wetland impacts than the prior design. We will do 9 units (or 8 if affordable unit not required). We cannot get all of the units along the street. We cannot have no wetland impacts and meet the project goals. This is substantially better than what was originally proposed. DM, do you have numbers on wetland impacts? Mr. Anderson said it is about half, but he does not have the numbers.

MW, there has been a substantial reduction in encroachment to wildlife habitat.

Mr. Anderson said that pervious concrete will be installed. There is no longer a stormwater detention pond. DM, where does roof runoff go? Mr. Anderson did not know. MM pointed out a yard drain.

MW, why is parking located behind the rear structure? Mr. Anderson said it's due to the drop in grade. MW, if you do 8 units, you may not need the rear parking area. DM said that there is a lot of asphalt/encroachment just to access the rear garages. Eliminate the rear asphalt and do carports on the sides.

JS, did you consider applying for a variance on setbacks? Mr. Anderson said no. Aesthetically, what's proposed is a better fit than 4-plexes. Also, only a couple of variances have ever been upheld on appeal to Environmental Court. JS, what about eliminating the rear driveway to eliminate the fill? Is there a possibility to have a steeper slope or to utilize a retaining wall to reduce impacts? Mr. Anderson, the engineers did not consult with me. JS, eliminate the rear parking and install a retaining wall. Doing so

would eliminate a huge amount of fill. DM, somewhere in here is a least-cost solution between reduction in fill and installation of a retaining wall. JS, are there reasonable things to do to reduce the footprint? MW, we're okay with the stormwater and with the layout except for the impact of the rear parking area. Mr. Anderson will look at the equation between a taller retaining wall and less fill.

Mr. Anderson, we will be before the DRB on July 19. He can return to the Conservation Board before then.

JS encouraged Mr. Anderson to reconsider the number of units along the street. WF encouraged a reduction in parking spaces. DL agreed.

MW, the shape of the roofs is less important than where the runoff goes.

Mr. Anderson will prepare a response to Board comments and questions.

WF, what's the plan for the rest of the property? Mr. Anderson, we will do as required. We are not going back into the rear of the property. We've always been willing to offer a ROW for a trail into Ethan Allen Park. We will give you more than the minimum required amount of open space land.

Update & Discussion

1. Urban Agriculture

Mark Krawczyk, Burlington Permaculture, appeared on behalf of this item.

DL mentioned the city council's urban agriculture task force. Former Conservation Board member Harris Roen is on the task force. DL had been in touch with Mark Krawczyk about speaking to the Board about his urban agriculture activities.

Mr. Krawczyk said that he has been to a task force meeting but that he's not extensively involved.

DL said he asked Mr. Krawczyk to attend in order to provide some education about urban agriculture to the Conservation Board.

Mr. Krawczyk asked the Board if there are any particular topics of interest.

MM said that the conservation work the Board does and how it may play into urban agriculture is of interest. Intervale lands and the Myrtle Street pocket park community garden have been conserved with the BCLF. Are there opportunities to conserve additional lands for agriculture in Burlington?

WC, are there potential agricultural resource lands in Burlington that can be identified?

DM is concerned with the environmental impacts of agricultural uses. In his neighborhood, a number of families are raising chickens. This is good, but the waste products need to be handled properly. Backyard farmers may not be aware of the proper ways to handle wastes.

MM recapped: conservation opportunities and management of impacts.

JS added the potential threat of other non-agricultural activities in the Intervale that may impact agricultural uses.

Mr. Krawczyk said that he works on ecological land use planning and design. He looks at how to take responsibility to provide for our own needs while also engaging stewardship. Permaculture is the umbrella field. He and a friend founded Burlington Permaculture four years ago. They work as an educational resource for community members. It is a volunteer organization with no budget. It is focused on providing awareness and education.

With respect to urban agriculture, there is a range between tweaks to the system versus systemic change. It ranges from giving away raspberry bushes to facilitating more interactive small scale neighborhood based farms. It all depends on what our vision is for where we want to go in the future.

One of the tasks of the task force is to assess what degree of food we can actually produce in Burlington. There is also the idea of integrating community and agriculture, providing a connection between them.

MM, how are things going at Myrtle Street? Mr. Krawczyk said he's not sure. Last year, things went well. WC said he was there today. It is being kept up and utilized.

DM, there is a new community garden spot in Callahan Park. He was stunned that there was actually opposition to it. It would be interesting to know what the opposition thinks about it now that it's in place. It would be useful information for the next garden proposal.

Insofar as more opportunities are concerned, Mr. Krawczyk said he'd love to see urban orchards, to make our parks productive landscapes. A tool that's been created is a perennial exchange website. It's a site dedicated to sharing information and resources related to gardening and permaculture.

Mr. Krawczyk does not see any threats to agriculture in the Intervale in the near future.

WC, with respect to reducing pavement in the urban environment, there's a lot of talk about LID for stormwater management and making functional green space.

Burlingtonpermaculture.org is the website.

2. DPW Stormwater Letter

MM recapped the discussions among Board members to modify the would-be letter. Rather than send it to the DPW Commission, it would be sent to the Mayor and the City Council. SG noted that the DPW Commission oversees the Department. Copying the Mayor and the City Council would be appropriate. MM will request specifics from SM to cite in the letter. DM said that other Board members could contribute to those specifics. MM said he'd draft a letter and send it around for comment.

Open Space Subcommittee.

MM said the subcommittee met before the Conservation Board meeting and spoke about a few projects including properties in the Intervale and the Burlington College campus. The subcommittee will meet with VLT and CLT about potential involvement on conservation efforts. Regarding Burlington College, he's not received an official response to the letter that was sent to the College by the Mayor, but the situation between the College and the Howard Center has been resolved. There may be room for progress now. A representative from VYCC has done a trail assessment. There will be follow up as to actually installing a trail across the College's property.

MM talked briefly about updating the Open Space Protection Plan. The update needs to be placed in context. Do we want to update the purpose of the existing plan or revamp it altogether? The CLP is not bound by the OSPP. Should the plan be updated to articulate specific actions?

MW suggested that Board members review the Plan and be prepared to discuss it at our next meeting.

Adjournment.

The meeting adjourned at 7:45 P.M.